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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 STANFORD HOSPITAL AND CLINICS AND) No. C 07 5158 MMC	
LUCILE PACKARD CHILDREN'S)	
12 HOSPITAL,) ADMINISTRATIVE MOTION TO	
13) CONSIDER WHETHER CASES	
Petitioner,) SHOULD BE RELATED	
14)	
v.) [CIVIL L.R. 3-12]	
15)	
SERVICE EMPLOYEES INTERNATIONAL)	
16 UNION LOCAL 715,)	
17 Respondents.)	
_____)	
	RELATED TO: C-08-0213-EMC

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19 PLEASE TAKE NOTICE, that Petitioner Service Employees International Union, Local
20 715, has reason to believe that this case is related to another case in this Court. Pursuant to Civil
21 Local Rule 3-12, Petitioner, Service Employees International Union, Local 715 ("Local 715" or the
22 "Union") files this Administrative Motion to Consider Whether Cases Should Be Related. Local
23 715 believes that this case is related to the case referenced below, which is currently pending
24 before Magistrate Judge Edward M. Chen. Both cases involve the same parties, the same
25 Collective Bargaining Agreement, and substantially the same legal issues.

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1 **1. Related Case.**

2 *Service Employees International Union, Local 715 v Stanford Hospital and Clinics and*
 3 *Lucile Packard Children's Hospital*, Case No. C-08-0213-EMC, currently pending before
 4 Magistrate Judge Edward M. Chen.

5 **2. Relationship of the Actions.**

6 The above-captioned matter and the matter before Judge Chen are related as defined by
 7 Civil Local Rule 3-12(a) in that they involve substantially the same parties, labor agreement, and
 8 questions of law.

9 Both actions involve the same parties and same Collective Bargaining Agreement ("CBA").
 10 In the matter before Judge Chen, Local 715 is seeking an order confirming a recent arbitration
 11 award in which Stanford Hospital and Clinics and Lucile Packard Children's Hospital (the
 12 "employer") has failed, refused, and continues to fail and refuse to comply with. Local 715
 13 presumes that the employer will seek from the Court an order vacating the decision. Similarly, in
 14 this matter, before Judge Chesney, the employer is seeking an Order vacating an arbitration award
 15 which it lost and, consequently, has failed and refused to comply with. In the present case, Local
 16 715 seeks an order from the Court denying the employer's petition to vacate and entering an order
 17 confirming the arbitration award.

18 The legal issues are substantially the same, and if the cases are heard by different judges,
 19 there will be an unduly burdensome duplication of both labor and expenses, and the possibility of
 20 conflicting results. Both cases are brought pursuant to Section 301 of the Labor Management
 21 Relations Act of 1947 ("LMRA"), 29 U.S.C. § 185(a). In addition, both cases involve the same
 22 legal issues. In the present case, the employer has indicated through correspondence that it is
 23 refusing to abide by the arbitrator's award and is seeking to have it vacated because the award
 24 allegedly fails to draw its essence from the parties' CBA, decided issues that were not arbitrable
 25 under the CBA, decided issues that were not submitted to the arbitrator, ignored, modified, and/or
 26 contradicted provisions of the CBA, and, that the arbitrator exceeded his authority and/or had no
 27 authority to decide the matter. Likewise, in the matter before Judge Chen, it is anticipated that the

1 employer will make the same legal arguments as to why it is refusing to abide by the arbitrator's
2 award.

3 Accordingly, because it appears likely that there will be an unduly burdensome duplication
4 of labor and expense, and/or conflicting results if the cases are conducted before different judges.
5 This is primarily because both cases involve substantially the same parties and questions of law.

6 **3. Assignment of the Actions.**

7 Local 715 believes that the assignment of the action to Judge Chesney will conserve
8 judicial resources and promote an efficient determination of the actions. The matter assigned to
9 Judge Chesney was filed first in order; therefore, relating the cases before Judge Chesney is
10 appropriate.

11 **4. Conclusion.**

12 For the reasons stated above, Local 715 respectfully requests that a related case order be
13 entered respecting this new case listed above.

14 Dated: January 17, 2008

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